I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED
Registered Nurse License Number 772443	§	
issued to MICHAEL BARTHOLOMEW JENNINGS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL BARTHOLOMEW JENNINGS, Registered Nurse License Number 772443, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9), (10) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 29, 2012, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Lee College, Baytown, Texas, on May 14, 2009. Respondent was licensed to practice professional nursing in the State of Texas on July 9, 2009.

5. Respondent's professional nursing employment history includes:

07/09 - 05/11	RN	Mainland Medical Center Texas City, Texas
01/10 - 03/10	RN	Superior Outsourcing Solutions Houston, Texas

Respondent's professional nursing employment history continued:

03/10 - 05/11	Unknown	
05/11- 07/11	RN	Bayshore Medical Center Pasadena, Texas
08/11 - 06/12	RN	SEV Staffing Inc. Baytown, Texas
6/12 - 8/12	Unknown	
8/12 -10/12	RN	Cornerstone Healthcare Group Webster, Texas
10/12 - present	Unknown	

6. On or about May 13, 2008, Respondent was issued an ORDER OF CONDITIONAL ELIGIBILITY by the Board. A copy of the Findings of Fact, Conclusions of Law, and Order of Conditional Eligibility dated May 13, 2008 , is attached and incorporated, by reference, as part of this Order.

7. On or about April 28, 2011, Respondent was issued the sanction of REPRIMAND WITH STIPULATIONS through an Agreed Order issued by the Board. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 28, 2011, is attached and incorporated, by reference, as part of this Order.

8. On or about December 10, 2011, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Clear Lake Medical Center, Webster, Texas, Respondent failed to adequately care for a patient in that he failed to change IV tubing when it expired. Additionally, Respondent failed to follow physician's orders and the patient was in the incorrect position after surgery. Respondent's conduct was likely to injure the patient in that failure to administer treatments as ordered by the physician could have resulted in nonefficacious treatment.

9. On or about January 30, 2012 through January 31, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Bayshore Medical Center, Pasadena, Texas, Respondent failed to adequately care for patient D.R. in that he failed to assess the patient. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications in that significant changes in the patient's status may have gone undetected and prevented a timely intervention.

10. On or about February 1, 2012, while employed with SEV Staffing Inc, Baytown, Texas and on assignment at Mainland Medical Center, Texas City, Texas, Respondent failed to adequately care for a patient in that he failed to assess a patient on Vasopressin. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications in that failing to assess could have resulted in a slow or uneven heart rate and trouble breathing.

11. On or about February 6, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Kingwood Medical Center, Kingwood, Texas, Respondent removed Hydrocodone from the facility medication dispensing system for Patient L.S. in excess of physician's orders on four (4) occassions. Respondent's conduct was likely to injure the patient in that the administration of narcotics in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

12. On or about March 25, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at San Jacinto Methodist Hospital, Baytown, Texas, Respondent removed Saline on four (4) occasions, Sodium Chloride on one (1) occasion, Heparin 1ml on two (2) occassions, and Diltiazem 25mg on one (1) occasion, from the facility medication dispensing system but failed to completely and accurately document the administration of the medication including signs, symptoms and responses to the medications administered in the patient's Medication Administration Records (MARs) and/or Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

13. On or about March 25, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at San Jacinto Methodist Hospital, Baytown, Texas, Respondent removed Saline on four (4) occassions, Heparin 1ml on two (2) occasions, Diltiazem 25mg on one (1) occasion and Sodium Chloride on one (1) occasion from the facility medication dispensing system for a patient but failed to follow facility policy and procedure regarding the proper wastage of the unused narcotic. Respondent's conduct was likely to deceive the hospital pharmacy.

14. On or about March 25, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at San Jacinto Methodist Hospital, Baytown, Texas, Respondent misappropriated medications belonging to the facility and patients thereof or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

15. On or about May 31, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Kindred Hospital East Houston, Channelview, Texas Respondent removed Dilaudid on five (5) occasions from the facility medication dispensing system but failed to completely and accurately document the administration of the medication including signs, symptoms and responses to the medication administered in the patient's Medication Administration Records (MARs) and/or Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

16. On or about May 31, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Kindred Hospital East Houston, Channelview, Texas Respondent removed Dilaudid on five (5) occasions from the facility medication dispensing system for a patient but failed to follow facility policy and procedure regarding the proper wastage of the unused narcotic. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

17. On or about May 31, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Kindred Hospital East Houston, Channelview, Texas Respondent misappropriated Dilaudid belonging to the facility and patients thereof or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

18. On or about May 30, 2012 through May 31, 2012, while employed with SEV Staffing Inc, Baytown, Texas, and on assignment at Kindred Hospital East Houston, Channelview, Texas, Respondent submitted multiple fraudulent prescriptions and/or narcotic orders to Kindred East Houston Pharmacy through the use of unauthorized written and telephonically communicated prescriptions and/or narcotic orders. Additionally Respondent used the names and Drug Enforcement Agency (DEA) numbers assigned to Dr. Hafeez and Dr. Afzal. Respondent's conduct was likely to deceive the pharmacy and possession of narcotics through the use of an unauthorized and fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

19. On or about September 21, 2012, while employed as a Registered Nurse with Cornerstone Hospital of Clear Lake, Webster, Texas, Respondent lacked fitness to practice nursing in that he exhibited impaired behavior including, but not limited to: face and neck flushed; fidgety; acting funny and erratic. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patient's conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

20. On or about September 21, 2012, while employed as a Registered Nurse with Cornerstone Hospital of Clear Lake, Webster, Texas, Respondent engaged in the intemperate use of Morphine, Hydrocodone and Hydromorphone in that he produced a specimen for a for-cause drug screen which resulted positive for Morphine, Hydrocodone and Hydromorphone. The use of Morphine, Hydrocodone and Hydromorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

21. In response to the conduct outlined in Findings of Fact Numbers Eight (8) through Twenty (20), Respondent accepts full responsibility for Finding of Fact Eight (8), but states that he called the physician that performed the procedure and he verbally told him to resume all pre-op orders. Respondent further states that recalls changing all IV tubing post procedure. Respondent accepts full responsibility for Finding of Fact Nine (9), but states Respondent states that he did do an initial physical and shift assessment at the beginning of his shift and an hourly assessment there after. Respondent states the physician was expecting an every 15 minute assessment but did not write that in the order sheet. Additionally, Respondent states that he was not informed that the MD wanted a Q 15min assessment. Respondent states that the patient was stable throughout the shift and was properly cared for during his shift. Respondent further states that the patient was in no distress or discomfort and did not have changes in vital signs. Respondent states that he cannot accept or deny Finding of Fact Ten (10) because of the time that has lapsed since the incident. Respondent states that he cannot

accept or deny Finding of Fact Eleven because the initials of the RN administering the medication in question does not match his. Respondent states that he accepts full responsibility of Finding of Fact Twelve (12). Respondent states that he cannot accept or deny Finding of Fact Thirteen (13) because the medications listed are not narcotics so there is no specific waste protocols. Respondent states that he accepts full responsibility for Finding of Fact Fourteen (14), but states that he did not remove the medication for any other reason other than for the patient to receive it. Respondent states that he accepts full responsibility for Finding of Facts Numbers Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18).

22. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

23. Formal Charges were filed on November 8, 2012.

24. Formal Charges were mailed to Respondent on November 9, 2012.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(C), (1)(D), and 22 TEX. ADMIN. CODE §217.12 (1)(A), (4), (6)(G), (6)(H), (8), (10)(B), (10)(C), (10)(E) & (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9), (10) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 772443, heretofore issued to MICHAEL BARTHOLOMEW JENNINGS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that , Registered Nurse License Number 772443, previously issued to MICHAEL BARTHOLOMEW JENNINGS, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months

of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL

obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY

PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a

Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines
Barbiturates
Benzodiazepines
Cannabinoids
Cocaine
Ethanol
tramadol hydrochloride (Ultram)
Meperidine
Methadone
Methaqualone
Opiates
Phencyclidine
Propoxyphene

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation,

accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

RUTH ANN MASON
Notary Public, State of Texas
My Commission Expires
August 11, 2015

Signed this 31 day of December, 2012.

MICHAEL BARTHOLOMEW JENNINGS, Respondent

Sworn to and subscribed before me this 31 day of December, 2012.

SEAL

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of December, 2012, by MICHAEL BARTHOLOMEW JENNINGS, Registered Nurse License Number 772443, and said Order is final.

Effective this 12th day of February, 2013.

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 772443	§	
issued to MICHAEL BARTHOLOMEW JENNINGS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL BARTHOLOMEW JENNINGS, Registered Nurse License Number 772443, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) and (10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Lee College, Baytown, Texas, on May 14, 2009. Respondent was licensed to practice professional nursing in the State of Texas on July 9, 2009.

5. Respondent's nursing employment history includes:

7/09 - present	Staff Nurse	Mainland Medical Center Texas City, Texas
1/10 - 3/10	Agency Nurse	Superior Outsourcing Solutions Houston, Texas
4/10 - Present	Unknown	

6. On May 13, 2008, Respondent was issued an Order of Conditional Eligibility by the Texas Board of Nursing. A copy of the May 13, 2008, Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about January 19, 2010, while making application for employment with Superior Outsourcing Solutions, Houston, Texas, Respondent failed to disclose prior disciplinary action taken against his license to practice professional nursing. Respondent's conduct was likely to deceive the facility and could have affected their decision to employ Respondent.

8. On or about February 2, 2010, while employed with Superior Outsourcing Solutions, Houston, Texas, Respondent failed to comply with the Order of Conditional Eligibility issued to him on May 13, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part:

> (2) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER's license.

9. In response to Findings of Fact Number Seven (7) and Eight (8), Respondent states that it was not his intention to provide Superior Outsourcing Solutions with false and/or deceptive information. He has been up front and honest with all his directors and superiors about his stipulations. He must have misinterpreted the question on the application.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H) & (I) and (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to ta ke disciplinary action against Registered Nurse License Number 772443, heretofore issued to MICHAEL BARTHOLOMEW JENNINGS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq*., the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq*. and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) The Order of the Board issued to RESPONDENT on May 13, 2008, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of March, 2011.

MICHAEL BARTHOLOMEW JENNINGS, Respondent

Sworn to and subscribed before me this 10 day of March, 2011.

SEAL

MARILYNN P. SCHAFFER
Notary Public, State of Texas
My Commission Expires
April 14, 2014

Notary Public in and for the State of TX.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of March, 2011, by MICHAEL BARTHOLOMEW JENNINGS, Registered Nurse License Number 772443, and said Order is final.

Effective this 28th day of April, 2011.

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

BEFORE THE
TEXAS BOARD OF NURSING
****

In the Matter of MICHAEL BARTHOLOMEW JENNINGS PETITIONER for Eligibility for Licensure	§ § § § §	ORDER OF CONDITIONAL ELIGIBILITY

On the date entered below, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Declaratory Order and supporting documents filed by MICHAEL BARTHOLOMEW JENNINGS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452 *et seq.*, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on March 21, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about August 13, 2007, Petitioner submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Section 301.257 *et seq.*, Texas Occupations Code.

2. Petitioner waived representation, notice, administrative hearing, and judicial review.

3. Petitioner, at the time of the petition, was enrolled in an Associate Degree Nursing Program with Lee College, Baytown, Texas, with an anticipated graduation date of May 2008.

4. Petitioner completed the Petition for Declaratory Order and answered "yes" to the question which reads in part as follows: *"Have you been convicted, adjudged guilty by a court, pled guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved*

arrests? This includes expunged offenses and deferred adjudication with or without prejudice of guilt."

5. Petitioner disclosed the following criminal history, to wit:

A. On October 19, 1999, Petitioner was charged with the misdemeanor offense of Disorderly Conduct in the County Court at Law No. 8 of Harris County, Texas. Petitioner entered a plea of nolo contendere and was assessed a fine in the amount of eighty-two dollars and seventy-five cents ($82.75).

B. On June 5, 2000, Petitioner was charged with the misdemeanor offense of Minor in Possession of Tobacco in the County Court at Law of Harris County, Texas. Petitioner entered a plea of guilty and was ordered to attend a Tobacco Awareness Program.

C. On August 8, 2000, Petitioner was charged with the misdemeanor offenses of Minor in Consumption of Alcohol and Minor in Possession of Tobacco in the Municipal Court of Webster, Texas. Petitioner entered a plea of no contest and was assessed a fine in the amount of two hundred twenty dollars ($220.00).

D. On September 9, 2000, Petitioner was charged with the misdemeanor offense of Minor in Possession of Drug Paraphernalia in the County Court at Law of Harris County, Texas. Petitioner entered a plea of guilty and was ordered to attend treatment.

E. On March 9, 2001, Petitioner was convicted of the misdemeanor offense of Minor Consuming Alcohol in the County Court at Law No. 8 of Harris County, Texas, and was assessed a fine in the amount of two hundred two dollars and seventy-five cents ($202.75).

F. On March 14, 2001, Petitioner was charged with the misdemeanor offense of Disorderly Conduct in the County Court at Law No. 8 of Harris County, Texas. Petitioner entered a plea of nolo contendere and was assessed a fine in the amount of five hundred dollars ($500.00).

G. On August 6, 2001, Petitioner was charged with two counts of the misdemeanor offense of Minor in Possession of Tobacco in the County Court at Law No. 8 of Harris County, Texas. Petitioner entered a plea of nolo contendere to both counts and was assessed a fine in the amount of one hundred seventy-five dollars and fifty cents ($175.50).

H. On October 5, 2006, Petitioner was arrested for the misdemeanor offense of Driving While Intoxicated in Houston, Texas. The criminal offense was pending at the time of the drafting of this Order.

CONCLUSIONS OF LAW

1. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.

2. Petitioner has submitted a petition in compliance with Section 301.257 *et seq.*, Texas Occupations Code.

3. Petitioner's criminal history reflects criminal conduct which is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.

4. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.

5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, MICHAEL BARTHOLOMEW JENNINGS, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code

§§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the PETITIONER may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where PETITIONER wishes to work.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and PETITIONER SHALL be subject to the following stipulations.

(1) PETITIONER SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL

CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bne.state.tx.us/about/stipscourses.html.*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND PETITIONER MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(2) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.

(3) PETITIONER SHALL CAUSE each employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a nurse.

(4) PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(5) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

(6) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board**

approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(7) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past criminal conduct, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my petition, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 10 day of April, 2008.

MICHAEL BARTHOLOMEW JENNINGS, PETITIONER

Sworn to and subscribed before me this 10 day of April, 2008.

SEAL

J ABRAHAM DE SANTIAGO
My Commission Expires
March 30, 2010

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 10th day of April, 2008, by MICHAEL BARTHOLOMEW JENNINGS, PETITIONER, for Petition for Declaratory Order, and said Order is final.

Entered this 13th day of May, 2008.

TEXAS BOARD OF NURSING

By: Katherine A. Thomas, MN, RN
Executive Director
on behalf of said Board